

REMARKS

By this preliminary amendment, Applicant is adding claims 103-152 for the Examiner's consideration. These claims are similar to pending claims 29 and 41, and their dependents, with variations. Claim 103 excludes DNIS and further recites receiving DTMF data as well as compliance with at least one test before transfer to an operator. Claim 114 excludes DNIS and further recites receiving two forms of identification and storing at least one. Favorable consideration of these claims along with those that are already pending is respectfully requested. In addition, Applicant and the undersigned appreciate the courtesy extended by the Examiner in during personal interviews conducted before discussion of these claims.

U.S. Patent No. 4,850,007 to Marino, et al. ("Marino") was cited before. Applicant brings to the Examiner's attention that it is directed to a telephone toll service with advertising. *Marino* discloses keeping a record (profile database 26) for each caller, but that record does not reflect prior use of the system. The profile database merely contains categories of subjects of interest to the caller and background information that would be of assistance in selecting advertisements for the caller. There is no record of which advertisements or announcements were played previously to the caller. Nor does *Marino* store use indications of any sort for the caller, since use indications are not necessary for implementing their system. Since *Marino* is not concerned with avoiding repetition of advertisements, there is no reason to keep track of such information. In fact, *Marino* teaches repeating advertisements by providing round-robin sequencing of advertisements and use of continuous tapes of advertisements.

Additionally, it would not have been obvious to one of ordinary skill in the art to store use indications based on *Marino*. There is no teaching in *Marino* nor the other prior art that would motivate or suggest to one of ordinary skill in the art to combine Applicant's feature of

storing or utilizing "use indications" (for the purpose of avoiding duplication of prompts to callers) with the teaching in *Marino*.

Favorable consideration and allowance of the claims here is respectfully requested.

Respectfully submitted,

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By: _____

Reena Kuyper
Registration No. 33,830

9220 Sunset Blvd., Suite 315
Los Angeles, CA 90069
(310) 247-8191